

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1626.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Homes
DATE OF COMPLAINT:	September 28, 2000
DATE OF REPORT:	October 26, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 14, 2000

COMPLAINT ISSUES:

Whether the Northern Community School Corporation of Tipton County and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-10-1 with regard to the school's alleged failure to identify and evaluate a student residing within the school corporation's boundaries who is in need of special education and related services.

During the course of the investigation, an additional issue was identified which is:

Whether the Northern Community School Corporation and the Kokomo Area Special Education Cooperative violated 511 IAC 7-10-3(d) with regard to failing to conduct the educational evaluation and case conference committee meeting within 40 instructional days of receiving the parent's written consent.

FINDINGS OF FACT:

1. The student (the "Student") is 12 years old and is a seventh grader in general education at the local junior/senior high school (the "School"). The Student has a diagnosis of attention deficit hyperactive disorder ("ADHD") and takes medication for the treatment of such.
2. The Student was referred for general education intervention ("GEI") by her classroom teacher who completed a *Referral to General Education Intervention Team* form on October 9, 1998. The principal of the elementary school received the referral on October 13, 1998. The GEI team met on October 28, 1998, and developed a plan of action. Some of the interventions provided to the Student included, multisensory strategies, peer tutors, hands-on activities, scheduled breaks to improve attention, guided practice by the teacher, removal from the classroom, and assisted/tutorial study hall.
3. On November 4, 1998, the GEI team met to review the results of the GEI. In a letter dated November 4, 1998, from the principal of the elementary school, the complainant (the "Complainant") was informed that the GEI strategies did not produce satisfactory results.
4. The Complainant gave written consent on or about November 11, 1998, for the Student to be evaluated for special education and related services in the area of learning disabilities. The Student was evaluated on December 2 and 13, 1998. The case conference committee (the "CCC") met on March 25, 1999. The Student was found ineligible for special education and related services.

5. The *Multidisciplinary Educational Evaluation* report (the "Report"), dated December 21, 1998, states that the Student was referred by the Complainant for an educational evaluation because of "academic and emotional concerns at school." Information contained in the Report states that the Student was not working to potential, not completing assignments, not following directions and had a short attention span. The Report also indicates that the Student's teacher at that time had reported that after a recent medication change some improvement was seen in the classroom.
6. The Complainant completed the *Social and Developmental History Report* portion of the Report and wrote "doesn't complete or turn in homework" with regard to the Student's study and homework completion.
7. The Student's grades for fifth grade for the first semester of the 1998-99 school year were as follows.

Language Arts	D+
Reading	C-
Writing	S
Spelling	C-
Social Studies	F
Math	D-
Science	D+
8. As a sixth grade student, the Student failed all academic subjects both first and second semester of the 1999-2000 school year. The Student was promoted to the seventh grade for the 2000-01 school year.
9. The Student's cumulative attendance and grade record indicates that from kindergarten through the fourth grade, the Student received all "Bs" and "Cs."
10. The Student has failing grades for all classes except choir for the first grading period of the 2000-01 school year.
11. The Director reported that the Student had satisfactory grades in kindergarten through fourth grade. The Student had many absences during the 1998-99 school year. Further, the Student does not turn in class assignments, nor take class assignments home to work on. The Student also does not participate in class.
12. The Complainant gave written consent for the Student to be evaluated for special education and related services on September 28, 2000.

CONCLUSIONS:

1. Findings of Fact #9 and #11 indicate that the Student had satisfactory grades through the fourth grade. Findings of Fact #5, #6, #7, and #9 indicate that although the Student was not completing assignments and was receiving less than satisfactory grades, Findings of Fact #2 and #3 indicate that GEI was initiated and implemented by the elementary school. Further, Finding of Fact #4 indicates that the School did evaluate the Student after reviewing the results of the GEI and determining that the strategies did not produce satisfactory results. No violation of 511 IAC 7-10-1 occurred with regard to the school's failure to identify and evaluate the Student who is in need of special education.
2. Finding of Fact #4 indicates that more than forty instructional days passed between the time that the Complainant gave written consent for the Student's first educational evaluation and when the

CCC met to discuss eligibility during the 1998-99 school year. A violation of 511 IAC 7-10-3(d) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Northern Community School Corporation of Tipton County and the Kokomo Area Special Education Cooperative shall:

conduct the Student's evaluation and the CCC meeting within 60 instructional days of the Complainant's September 28, 2000 consent (as indicated in the June 21, 2000 revised version of Article 7). **A CCC notification shall be submitted to the Division prior to the Student's CCC meeting. Additionally, a copy of the CCC Report shall be submitted to the Division within ten business days of the meeting.**

If the Student is found ineligible for special education and related services, the GEI team shall meet and discuss whether GEI is appropriate for the Student. If GEI is determined appropriate for the Student, the GEI team shall design GEI strategies to implement in the classroom for a specified period of time. The GEI team shall continue reviewing the results of the GEI strategies and revising said strategies until a desired change in the Student's educational outcomes has occurred. **If the GEI team determines that GEI is not appropriate for the Student, a copy of the GEI team meeting report shall be submitted to the Division within 10 instructional days of the CCC meeting. If GEI is indicated, a copy of the GEI strategies shall be submitted to the Division no later than 10 instructional days of the CCC meeting. A copy of each subsequent GEI team meeting summary and GEI revisions shall be submitted within one week of each follow-up GEI team meeting until the desired educational outcomes have been produced.**

DATE REPORT COMPLETED: October 26, 2000